IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5416 of 1997

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE C.K.THAKKAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYANTIBHAI KHARADI

Versus

STATE OF GUJARAT

Appearance:

MR VD PARGHI for Petitioner
MR L.R.PUJARI, AGP for Respondent No. 1
MR S.N.SHELAT WITH MR. D.S NANAVATI for Respondent No. 4

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE C.K.THAKKAR

Date of decision: 22/02/2000

ORAL JUDGEMENT

Per Thakker, J.:

So far as the grievance voiced by the petitioner is concerned, it does not survive because it relates to the admission in F.Y. B.Com.in 1997.

This petition was, however, treated as Public Interest Litigation in view of the fact that a policy decision in the form of circular dated May 12, 1997 was challenged wherein admission to all Ahmedabad students has been reserved. It was, however, stated that thereafter the policy was changed . If it is so, no further direction is necessary. But in case, the policy is not changed, 100% reservation for Ahmedabad students cannot be said to be in accordance with law. Such policy, therefore, cannot be insisted upon (see Dr. Jagadish Saran vs. Union of India , (1980) 2 SCC 768 and Ahmedabad Municipal Corporation vs Nilaybhai R Thakore, 1999 (8) SCC 139).

With the above observations, the petition deserves to be disposed of and is accordingly disposed of. Rule is made absolute to the extent indicated above. There shall be no order as to costs.

--
parekh